

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

May 11, 2004

Mr. Dave McCarthy
Atlantic Richfield Company

Mr. Eric Heil
Town of Rico, Colorado

Mr. Ramon Escure
Rico Renaissance

Re: Voluntary Cleanup and Redevelopment Act Application for Rico Soils and the Van Winkle Waste Rock Pile, Rico, Colorado.

Dear Voluntary Cleanup Applicants:

The application submitted on behalf of the applicants under the Voluntary Cleanup and Redevelopment Act, for the site located in and around Rico, Colorado has been reviewed. The general conclusion is that additional information is necessary to demonstrate whether the proposed cleanup plan is protective of public health and the environment. The following paragraphs explain the issues at this point:

1. With respect to the administrative approach to review of the application, please consider the following comments:
 - a. It is unclear as to the boundaries of the site for which the application has been submitted. It appears in Figure 7 there are two distinct zones (1 & 2) with two different approaches to sampling and remediation. Notable by its absence is the Van Winkle waste rock pile and notable by its apparent inclusion is the river corridor area of Rico. Please confirm if these areas are to be included within the boundaries of the site for which the applicants are asking our approval of remediation plans.
 - b. The aforementioned point suggests that this site might be better addressed with multiple applications given the time constraints on our approval and the needs of a complete application. For instance, institutional controls would need to be reviewed and in place before the Department could be in a position to approve a cleanup plan appropriate for future residential development, especially in Zone two. Alternatively, the Department could review only the Sample & Analysis Plan (SAP) while extending the review of the application as the cleanup plan deficiencies are addressed.
2. The following issues relate to our review of the Sample & Analysis Plan (Appendix C). Multiple issues were addressed in a meeting with Atlantic Richfield Company on April 29, 2004. The agreements and some of the discussions at this meeting are detailed below. If these are incorporated into the SAP, these should suffice for us to approve the SAP as a separate document appropriate for implementation in Zone one.

- i. A #10 sieve will be used for all samples. If at least 5% of the sample does not pass this sieve then no sample will be taken, except in the case of the Van Winkle waste rock pile and any other obvious source areas. Samples for analysis must be collected at these locations, regardless of sieve size.
 - ii. Depth sampling below 2" will not be employed in all yard samples except in select instances. All remedial decisions, (i.e. installation of a 12" barrier of clean soil) will be based on samples collected from 0-2" rather than 0-1".
 - iii. Before any reduction in the percentage of samples sent in for laboratory confirmation, the applicants will meet with the oversight agency to review correlation data and discuss any proposed reduction. Initially, poor correlation of lab data with field data will involve reanalysis of the remaining sample and possible resampling and analysis.
 - iv. The procedure specified in Section 3.1.4 in Appendix C of the application will be employed for all residential yards.
 - v. The applicants will resample the yards where the EPA collected samples last fall.
 - vi. A few issues with the SAP are specific to Zone 2 (as defined on Figure 7). The application is unclear as to the commitment to sample and/or the need to remediate obvious source areas in Zone 2. The frequency of sampling (1 per 25 acres) may not be specific enough to be useful to plan future uses, e.g. one high component of the composite sample may bias negatively the entire 25 acre parcel. The application is unclear as to the specific institutional controls which will be employed to protect future users of Zone 2.
3. The proposed remediation of the Van Winkle waste rock pile is a necessary component of the overall Rico remedial effort, however there are necessary additions if this is to be a component of the overall site. Specific performance goals which demonstrate a successful reclamation effort should be proposed in the application. A proposed grading plan for the final contours including installation of run on/off controls should be included. Some mention of the cap composition (thickness) should be included and any proposals for additions (lime, fertilizer, seed mix) to the pile.
4. The plan proposes methodology to calculate a cleanup number for yards not deemed to be an imminent threat to public health. The Department desires a role in the selection of the locations for the twelve bioavailability samples used to calculate this action level. The application is non-specific as to how the electron microscopy work will be utilized and what role, if any, background levels might factor into the final calculation.
5. There are some miscellaneous issues with respect to the application, which are detailed as follows:
 - a. EPA sampling detected an area with lead levels at or about 91,000 ppm. What are the plans for this area with respect to remediation? Will it be done in 2004 or 2005? Given that this is the highest level detected, any unacceptable risk posed by the contamination in this area should be addressed as soon as possible.
 - b. What modifications to the SAP will be employed to adequately assess town streets? Consider the need to coordinate with the imminent installation of the sanitary sewer, protection of workers and proper handling of material generated during the installation. Consider if the streets are not done this year, and contaminated right of way is detected, what measures might be employed to prevent re-contamination (via dust, runoff) of remediated yards.
 - c. What are the plans for the proper disposal of soils generated during the remedial efforts? The manner in which soils are handled and disposed may involve other regulatory authority(s).

At this point in the application process, you may prepare an addendum to the application submitted which would address our questions or you may withdraw your application. Please let us know how you wish to proceed. If you require additional time to collect the required data, you may request an extension to a specific date. The current review period expires May 31, 2004. Should you have any questions concerning this letter please feel free to contact me at (303) 692-3449.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Walker". The signature is written in a cursive, flowing style.

Mark E. Walker
Voluntary Cleanup Program

Cc: Deb Ehlert; EPA Region 8
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